



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:
Public Notice Number: 2006-00495-Y3
Issue Date: June 16, 2006
Expiration Date: July 17, 2006

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Intrepid Sea, Air & Space Museum
One Intrepid Plaza
West 46th Street and 12th Avenue
New York, NY 10036

ACTIVITY: Dredging with Upland Placement of the Dredged Material

WATERWAY: Hudson River

LOCATION: Off Pier 86, Borough of Manhattan, New York County, New York

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE,
otherwise, it will be presumed that there are no objections to the activity.

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Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (16 U.S.C. 1855(b)), requires all federal agencies to consult with the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). A complete description of the proposed activity is given in the enclosed Work Description. The Corps of Engineers has made the preliminary determination that the site specific adverse effects are not likely to be substantial. Further consultation with NMFS regarding EFH impacts and conservation recommendations is being conducted and will be conducted prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, and information provided by the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP), it has been determined that the U.S.S. Intrepid Museum is a National Historic Landmark and is listed on the National Registry of Historic Places. A copy of this public notice will be sent to NYSOPRHP, and necessary consultations undertaken, to ensure that the requirements under Section 106 of the National Historical Preservation Act of 1966 are satisfied prior to final permit decision.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation Permit

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It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8516 and ask for Mary Ann Miller.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>

A handwritten signature in black ink that reads "Richard L. Tomer". The signature is written in a cursive style with a large, stylized 'R' and 'T'.

Richard L. Tomer
Chief, Regulatory Branch

Enclosures

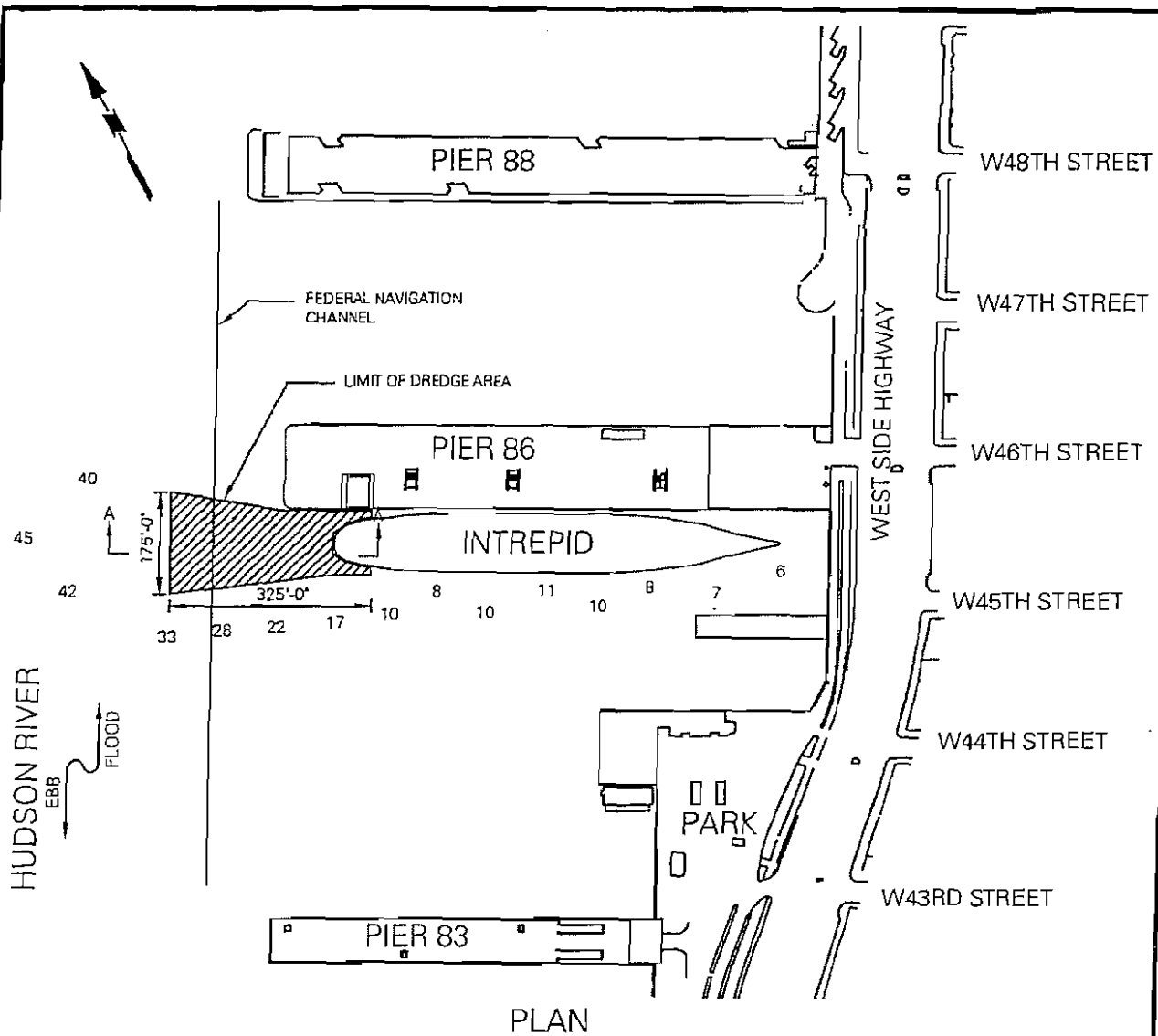
WORK DESCRIPTION

The applicant, Intrepid Sea, Air & Space Museum, has requested Department of the Army authorization to dredge at the western end of the museum ship U.S.S. Intrepid, with upland placement of the dredged materials at a state-approved site in New York or New Jersey. The dredging site is located in the Hudson River, Borough of Manhattan, New York County, New York.

The project would involve the one time dredging of approximately 13,000 cubic yards of material, described by the applicant as silt and mud, and subsequent upland beneficial use of the dredged material. Dredging would be accomplished using a standard environmental clamshell bucket dredge to minimize loss of the dredged material as it is placed in the hopper scows (barges). Dredged material would be contained within the scows until decanting and offloading would occur. Return flow of decant water would occur at the dredging site. The duration of dredging is anticipated to take less than one month and would be completed no later than November 1, 2006.

The proposed dredging would be from a 175' by 325' area at the seaward end of the U.S.S. Intrepid west to the Federal Navigation Channel. Dredging would be to a maximum depth of 35-feet below mean low water, which includes two feet of allowable overdepth dredging to ensure the required safe depths are achieved. The 13,000 cubic yards of dredged material includes this overdepth dredging volume.

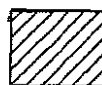
The stated purpose of this project is to dredge to remove the U.S.S. Intrepid from its current location, so that it can be brought to a dry-dock facility for inspection and repairs.



NOTES:

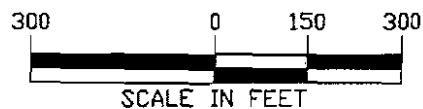
1. BASE PLAN TAKEN FROM HPA DRAWING TITLED "C4" DATED JULY 2005.
2. HYDROGRAPHIC SURVEY DATA TAKEN FROM RODGERS SURVEY PLAN TITLED "INTREPID MUSEUM" DATED APRIL 2006.
3. HYDROGRAPHIC SURVEY DATA REFERS TO FEET BELOW MLW.
4. FINAL DREDGE DEPTH WILL BE 35 FT BELOW MLW.
5. APPROXIMATELY 13,000 CY OF MUD AND SILT TO BE REMOVED.
6. AREA TO BE DREDGED SHOWN HATCHED.

LEGEND:



DREDGING AREA

6 DEPTH BELOW MLW



21 Penn Plaza, 8th Floor New York, NY 10001
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NEW JERSEY PENNSYLVANIA NEW YORK CONNECTICUT FLORIDA

INTREPID MUSEUM FOUNDATION HUDSON RIVER DREDGING AT PIER 86

MANHATTAN

NEW YORK

Project No. 5724705	Date 5/19/2006	Scale 1"=300'	Figure 2 OF 3
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Intrepid Sea, Air & Space Museum 2006-00495

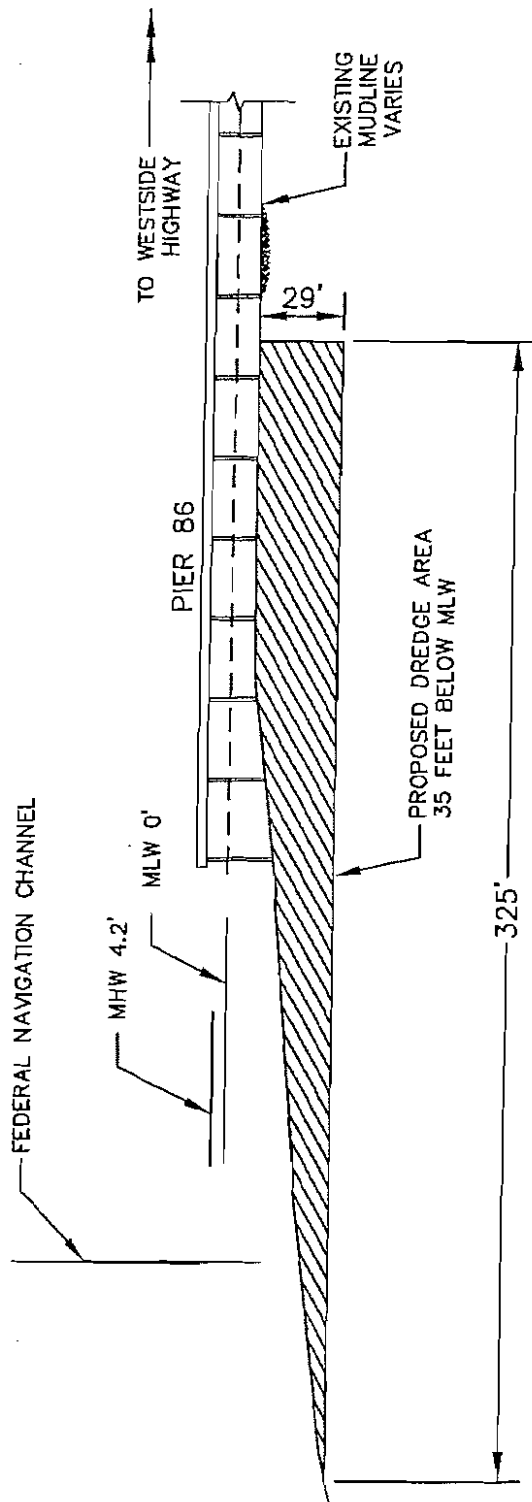
NOTES:

1. FINAL DREDGE DEPTH WILL BE 35 FEET BELOW MLW.
2. APPROXIMATELY 13,000 C.Y. OF MUD AND SILT TO BE REMOVED.
3. AREA TO BE DREDGED SHOWN HATCHED.
4. INTREPID NOT SHOWN FOR CLARITY.
5. MATERIAL WILL BE DEPOSITED AT A STATE APPROVED UPLAND PLACEMENT SITE.

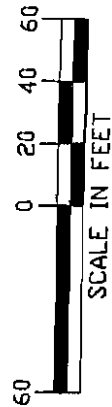
LEGEND:



MATERIAL TO BE REMOVED



SECTION A-A



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NEW JERSEY PENNSYLVANIA NEW YORK CONNECTICUT FLORIDA

**INTREPID MUSEUM FOUNDATION
HUDSON RIVER DREDGING AT PIER 86**

MANHATTAN

NEW YORK

Project No. 5724705	Date 5/19/2006	Scale 1"=60'	Figure 3 OF 3
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